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is liable even though the funds were stolen without fault on his part. *U. S. v. Prescott*, 3 How. 578. The state in prescribing the condition of the treasurer's liability has determined the nature and extent of the obligation assumed by him, *Ross School Fund Com. v. Hatch*, 5 Clark (Ia.) 199; and so there being no statute in South Carolina which imposes upon a county treasurer a higher obligation than that imposed by the common law, such officer is not liable for the loss of funds occasioned by the failure of the bank in good standing at the time moneys were deposited. *York County v. Watson*, 15 S. C. 1. He is not liable when loss results from act of God or the public enemy. *U. S. v. Thomas*, 15 Wall. 333.

RAILROADS—CROSSING ACCIDENT—WILFULNESS.—PITTSBURGH C., C. & ST. L. RY. CO. v. FERRELL, 78 N. E. (IND.) 988.—Plaintiff was struck and injured at a railroad crossing by defendant's passenger train going from fifty to sixty miles per hour. The crossing was used by from one hundred to one hundred and twenty-five teams daily. The whistle was sounded and the bell was rung in warning for a quarter-mile. The engineer did not see the plaintiff until the collision coming and the fireman not until the plaintiff was just about to drive on the track. The plaintiff's horse had approached at a brisk trot. *Held*, that such facts were insufficient to establish a wilful injury on the part of the railway company. Robinson and Roby, JJ., *dissenting*.

A complainant, in an action to recover damages for wilful or wanton injury by a railroad, must allege wilfulness or wantonness in causing the injury and not merely in the propelling of the train by the defendant. *Haley v. Kansas City, M. & B. R. Co.*, 113 Ala. 640. If the party injured is himself guilty of wanton and reckless conduct, he may not recover, even although the defendant's employees were also reckless or wanton in such a way as to imply a willingness to inflict the injury. *Georgia Pac. Ry. Co. v. Lee*, 92 Ala. 262. But a railroad company, which without precaution or warning sends cars across a public crossing under no control is liable for wanton and reckless negligence. *Lake Shore & M. S. Ry. Co. v. Johnson*, 35 Ill. App. 430. Where one recklessly and without regard to the consequences, inflicts an injury which he might have avoided, such conduct will imply wilfulness. *Pittsburgh, C., C. & S. Ry. Co. v. Judd*, 10 Ind. App. 213.

RAILROADS—INJURIES TO PEDESTRIANS ON TRACK—CONTRIBUTORY NEGLIGENCE.—CRANCH v. BROOKLYN HEIGHTS R. CO., 78 N. E. 1078 (N. Y.). A pedestrian, intending to take passage on a train at a station was struck by a train which did not stop there. She saw the train approaching but walked ahead and stepped on the track without again looking for the train. *Held*, that she was guilty of contributory negligence as a matter of law. Vann and Bartlett, JJ., *dissenting*.

In general, in determining whether a person has been guilty of contributory negligence, it is held to be the duty of every person lawfully attempting to cross a railway, to stop, look, and listen for approaching trains. *Lehigh Valley R. Co. v. Hall*, 61 Pa. St. 361; *Dowdy v. Ga. R. Co.*, 88 Ga. 726. A passenger, however, has a right to rely upon a railway company to ensure the safety of its stations. Therefore, a passenger may cross tracks at stations without stopping to look and listen. *Chicago R. Co. v. Ryan*, 165 Ill. 88; *B. & O. R. Co. v. State*, 60 Md. 499. And a person going to the depot of a railway company to take passage on its trains, although not having purchased a ticket, is regarded as a passenger. *Grimes v. Penn. Co.*, 36 Fed. 72; *Texas & P. R. Co. v. Best*, 66 Tex. 116. But when such a passenger is injured in